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While Department prepared accept revised German thinking as to power President and Chancellor we wish of course remain in position take action ourselves if for any reason German formula does not work. Department accordingly prepared agree content reference despatch and enclosed talking paper subject following change. ~~The~~ Department considers it essential that Article of ~~the~~ Three-Power Proclamation be revised to accord with third paragraph ~~of~~ Preamble of Proclamation of President. Embassy will note that as presently drafted the two statements are not adequately synchronized. We believe Article 3 of ~~the~~ Three-Power Proclamation should be revised to read as follows:

QUOTE The Three Powers will not exercise their rights mentioned in paragraph 2 of Article 5 of the Convention on Relations in so far as the German authorities take effective action to protect the security of those armed forces and to deal with a serious disturbance of public security and order. UNQUOTE

Drafted by:

L:L/EUR:DAW:meyer:jcd
EUR:RA:JYMillar - 9/24/59

Telegraphic transmission and
classification approved by:

RA - Russell Fessenden

Clearances:

GER - Mr. Lampson *EL* OSD/ISA - Col. Tyler *JYM*
L - Mr. Raymond *JRM*

S/S. CR

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OCT 1 - 1959 P.M.

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Subject foregoing change Embassy authorized (a) ~~to~~ express US approval in principle of new German approach to alert problem~~x~~ and (b) ~~to~~ discuss this approach with Germans jointly with representatives ~~of~~ UK and French Embassies.

Other outstanding matter which US considers remains to be dealt with is determination ~~as to~~ which alert measures will be taken by Germans and which must be taken by Three Powers. We had thought SHAPE expected this subject would be handled by contemplated Working Group. Request Thurston's comments ~~as to~~ ~~the~~ present plans for coping with this matter.

Hester
(R7) HERTER

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